

1
2
3
4
5
6
7
8
9
10
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 APOSTLE AND PROPHET
12 YASHUA,

13 Petitioner,

14 v.

15 PASTOR MELISSA SCOTT,

16 Respondent.

Case No. CV 23-08987 ODW (RAO)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

17
18 On October 23, 2023, Apostle and Prophet Yashua, also known as Trevor
19 Piotrowski (“Petitioner”), a Los Angeles County pretrial detainee proceeding *pro*
20 *se*, filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C.
21 § 2254. (ECF No. 1.) While the Petition is largely unintelligible, Petitioner
22 appears to challenge a pending state charge of violating a restraining order. Petition
23 at 3. Because Petitioner’s criminal case is ongoing and no judgment entered, the
24 Court must abstain under *Younger v. Harris*, 401 U.S. 37, 45–46 (1971), and the
25 Petition must be dismissed without prejudice.

26 ***

27 Under Rule 4 of the Rules Governing Section 2254 Cases in the United States
28 District Courts, the Court may summarily dismiss a petition “[i]f it plainly appears

1 from the petition and any attached exhibits that the petitioner is not entitled to relief
2 in the district court” *See also* 28 U.S.C. § 2243.

3 Under the Antiterrorism and Effective Death Penalty Act of 1996
4 (“AEDPA”), federal review is allowed on behalf of “a person in custody pursuant
5 to a judgment of a State court only on the ground that he is in custody in violation
6 of the Constitution” or other provision of federal law. 28 U.S.C. § 2254(a). Here,
7 Petitioner is a pretrial detainee who has not been criminally convicted. There is no
8 judgment for this federal court to review.

9 Further, because of the existence of the ongoing criminal case, *Younger*
10 abstention is appropriate. Federal courts generally abstain from interfering in
11 ongoing state proceedings until the conviction becomes final after the conclusion of
12 appellate proceedings. *Younger*, 401 U.S. at 45-46. Abstention under *Younger* is
13 warranted where three criteria are met: (1) the state proceedings are ongoing; (2)
14 the proceedings implicate important state interests; and (3) the state proceedings
15 provide an adequate opportunity to litigate the petitioner’s federal constitutional
16 claims. *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423,
17 432 (1982); *Dubinka v. Judges of Superior Court of State of Cal.*, 23 F.3d 218, 223
18 (9th Cir. 1994). A petitioner may avoid application of the *Younger* doctrine by
19 demonstrating that there is bad faith, harassment, or some other extraordinary
20 circumstance where irreparable injury can be shown. *See Perez v. Ledesma*, 401
21 U.S. 82, 85 (1971).

22 First, this Court takes judicial notice of the docket of the Los Angeles County
23 Superior Court, Case No. GA 109360, *People v. Trevor Daniel Piotrowski* (filed
24 Dec. 20, 2022),¹ which shows that Petitioner’s criminal matter remains pending.
25 *See* <https://www.lacourt.org/criminalcasesummary/ui/Selection.aspx>. The

26
27 ¹ *See* Fed. R. Evid. 201; *Harris v. Cty. of Orange*, 682 F.3d 1126, 1131-32 (9th Cir.
28 2012) (district court may take judicial notice of undisputed matters of public record
including documents on file in federal or state courts).

1 pendency of the matter before the superior court weighs in favor of abstention. *See*
2 *Drury v. Cox*, 457 F.2d 764, 764–65 (9th Cir. 1972) (only in the most unusual
3 circumstances is a defendant entitled to have federal interposition by way of
4 injunction or habeas corpus until after a judgment has been appealed from, and the
5 case has been concluded in state courts).

6 Second, the state proceedings implicate important state interests, particularly
7 the State of California’s interest in the order and integrity of its criminal
8 proceedings. *See Kelly v. Robinson*, 479 U.S. 36, 49 (1986) (“[T]he States’ interest
9 in administering their criminal justice systems free from federal interference is one
10 of the most powerful of the considerations that should influence a court considering
11 equitable types of relief.”). Accordingly, the second *Younger* factor weighs in favor
12 of abstention.

13 Third, Petitioner has an adequate opportunity to raise any federal habeas
14 claims in his pending state proceedings. *See Pennzoil Co. v. Texaco, Inc.*, 481 U.S.
15 1, 15, 107 S. Ct. 1519, 95 L. Ed. 2d 1 (1987) (federal court should assume that state
16 procedures will afford adequate opportunity for consideration of constitutional
17 claims “in the absence of unambiguous authority to the contrary”). Accordingly,
18 the final *Younger* factor also weighs in favor of abstention.

19 Finally, Petitioner has not alleged facts showing bad faith, harassment,
20 extraordinary circumstances, or irreparable injury. Because all three criteria for
21 abstention under *Younger* apply and because there is no compelling reason
22 warranting federal intervention at this time, the Court must abstain from interfering
23 with Petitioner’s pending state criminal proceedings. *See Middlesex*, 457 U.S. at
24 435.

25 DATED: October 27, 2023



26 OTIS D. WRIGHT II
27 UNITED STATES DISTRICT JUDGE
28